

DEFENDANTS'

EXHIBIT 35

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STUDENTS FOR JUSTICE IN PALESTINE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:25-cv-00524-NR
)	
UNIVERSITY OF PITTSBURGH, <i>et al.</i>)	
)	
Defendant.)	

DECLARATION OF JENNIFER TUSCANO

I, Jennifer Tuscano, do hereby state under oath as follows:

1. I am the Executive Associate Athletic Director for Sport Administration and Senior Woman Administrator for the University of Pittsburgh (“Pitt”).
2. I have held this position for 10 years.
3. In this position, I oversee Pitt’s intercollegiate sports programs as well as athletics compliance programs.
4. In addition to that role, I am also a trained member of a pool of Pitt staff that serve as conduct hearing board members.
5. Conduct hearing board members hear the testimony and arguments, and review any evidence, that may be presented by Pitt and a student or student organization accused of violating Pitt policies during a Level II hearing.
6. Upon completion of a Level II hearing, the conduct hearing board members then deliberate in private to determine whether the student or student organization is responsible for violating Pitt policy.

7. The conduct hearing board members are then required to prepare a written report of their findings, summarizing the reasons for those findings, and recommending a sanction for any violation found to have occurred.

8. The conduct hearing board members for any particular hearing are selected through a survey of members who are asked their availability on a given date and time, but provided no other information about the accused student or student organization, or the nature of the alleged policy violations.

9. I have served on a number of conduct hearing boards.

10. I was selected to serve on a conduct hearing board on February 4, 2025, to hear allegations against Students for Justice in Palestine at Pitt (“SJP-Pitt”).

11. The conduct hearing board consisted of myself and two other Pitt administrators.

12. Those allegations concerned an incident in which SJP-Pitt had allegedly been involved.

13. Upon conclusion of the hearing on February 4, 2025, the conduct hearing board deliberated in private, but did not finish those deliberations during our meeting that day. We decided we would meet again the next day to continue our deliberations.

14. Late in the evening on February 4, 2025, I received an email from SJP-Pitt that, among other things, “demand[ed]” the “complete dismissal of all disciplinary proceedings against SJP[-Pitt].”

15. Defendants’ Exhibit 4 is a true and correct copy of the email that I received.

16. I reviewed the email that same night.

17. At first, given the broader issues raised by SJP-Pitt’s email, I was confused as to why SJP-Pitt sent me the email.

18. I believe that by sending the letter, SJP-Pitt was trying to influence me in my role as a member of the conduct hearing board.

19. The other two members of the conduct hearing board received the same email.

20. On February 5, 2025, the day after receiving SJP-Pitt's email, we – the conduct hearing board – met to continue our deliberations.

21. We discussed the email during our deliberations.

22. One member of the conduct hearing board stated that he believed the letter was intended to threaten the board regarding their ultimate decision.

23. I also spoke with Dean Marlin Nabors about SJP-Pitt's email, the effect it had on me, and the effect it had on deliberations.

24. Shortly thereafter, Dean Nabors instructed the conduct hearing board to pause its deliberations.

25. The conduct hearing board never reached a final decision in its deliberations.

26. I have never before received a communication, such as SJP-Pitt's email or otherwise, from a conduct hearing participant before or after a conduct hearing that related to the conduct hearing or demanded that a conduct process be dismissed.

27. I have never before been asked to pause deliberations or been part of a hearing process that was paused and then ultimately vacated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 17, 2025


Jennifer Tusciano